

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ERICSSON INC., et al.,

Plaintiffs,

v.

D-LINK CORPORATION, et al.,

Defendants.

Civil Action No. 6:10-cv-473

JURY TRIAL DEMANDED

**DEFENDANTS' NOTICE REGARDING SCOPE OF BENCH TRIAL AND
DEFENDANTS' NOTICE REGARDING BENCH CLAIMS**

Defendants D-Link Systems, Inc., NETGEAR, Inc., Acer America Corporation, Acer, Inc., Gateway, Inc., Dell Inc., Toshiba America Information Systems, Inc., and Toshiba Corporation, and Intervenor Intel Corporation (collectively, “Defendants”) tried claims to the bench on June 12, 2013 (“Bench Claims”) against Plaintiffs Ericsson Inc. and Telefonaktiebolaget LM Ericsson’s (collectively, “Ericsson”). Ericsson has taken the position that the Bench Claims and Ericsson’s defenses thereto are limited to the products that Ericsson accuses in this case (“Subject Products”) and the three asserted patents that the jury found infringed (“Subject Patents”) Dkt. 590 at 12-13; Dkt. 607 at 1-2. Defendants agree with Ericsson’s position, albeit without prejudice to their Bench Claims with respect to patents other than the Subject Patents and products other than the Subject Products.

During the hearing on July 16, 2013, the Court asked whether the Defendants would accept a RAND rate entered by the Court. Defendants respond that they will accept a Court-

determined RAND rate limited to the Subject Products and Subject Patents entered in accordance with the above limitation and without prejudice to their right to appeal.

Dated: July 18, 2013

Respectfully submitted,

/s/ Robert M. Parker

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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served on July 18, 2013 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

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